

### **REMARKS**

Claims 1-15 are pending in this application. Claims 1-6, 8, 11, and 13 have been amended. Applicant reserves the right, however, to pursue the original claims and other claims in this and other applications. In view of the amendments to the claims and the remarks below, Applicant respectfully requests that the rejections be withdrawn and the claims allowed.

Claims 1-15 stand rejected under 35 U.S.C. 102 (e) as being anticipated by U.S. Patent No. 6,765,853 to Ko et al. ("Ko"). The rejection is respectfully traversed.

Claim 1 has been amended to recite, *inter alia*, "a data extraction part configured to extract data from user data recorded in a user data area of a recording area of an information recording medium and to store the extracted data" and "a data creation part configured to create data accompanying the user data from the stored extracted data." These features are described, for example, at page 32, line 32 to page 33, line 23 of the specification.

The Office Action, at pages 2-3, relies on Ko's "information about disc defects" and "write protection information" as meeting the "data accompanying user data" described in claim 1. Ko's "information about disc defects" and "write protection information" are both stored in the defect management area of a disc. Nothing in the Office-cited portions or any other portions of the Ko et al. reference, however, teaches that this information is created from data that is extracted from user data and stored. Accordingly, Ko does not teach or suggest a part configured to "extract data from user data" and a part configured to "create data accompanying the user data from the stored extracted data" where the data accompanying the user data is stored in "a Lead-Out area outside the user data area."

Hence, the above-noted features of claim 1 are a distinction over the Ko reference. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. In view of the distinction of claim 1 noted above, at least one claimed element is not present in the Ko reference. Accordingly, Ko does not anticipate claim 1, and claim 1 is allowable. Claims 2-15 depend from claim 1 or include

similar limitations as claim 1 and are allowable for at least the same reasons that claim 1 is allowable.

In view of the above, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By 

Mark J. Thronson

Registration No.: 33,082

Jonathan L. Falkler

Registration No.: 62,115

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorneys for Applicant